

Original

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

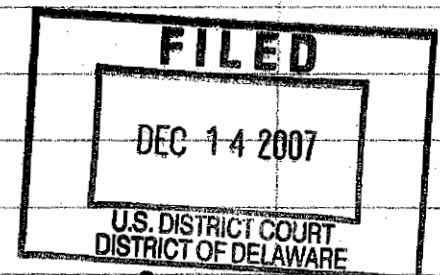
GLEN W. DUCOTE,
Petitioner

v.

ELIZABETH BURRIS, Acting
Warden and JOSEPH R. BIDEN
III, Attorney General for the
State of Delaware.

Respondants.

Civ. Act. No. 07-374-GMS



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PLAINTIFF'S MOTION FOR EXTENTION OF TIME TO
FILE HIS TRAVERSE AND REPLY MEMORANDUM
TO RESPONDANTS ANSWER TO PETITION

Plaintiff moves for an order under Rule 6 of F.R.C.P. to extend the time to file a Traverse and Reply Memorandum disputing contentions made in Respondants Answer to Petition. Plaintiff offers the following:

1. Petitioner, Glen Ducote has applied for federal habeas relief under § 2254. Respondants filed their Answer, (DI 14) to Petition on November 16, 2007. Plaintiff recieved his copy on November 20, 2007.

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2. Under § 2254 Petitioner may file a Traverse and Reply Memorandum to Respondant's Answer.

3. Petitioner disagrees that the grounds are procedurally defaulted according to federal habeas law and procedure.

4. Petitioner also disagrees with the State Court's factual and legal determinations as adopted by the Respondant's answer.

5. Petitioner believes that a Traverse and Reply Memorandum would serve to benefit the economy of this Court at this stage of proceedings by giving Petitioner opportunity to unite Points raised in Petition to applicable legal principles and procedure and clarify relevant facts from the record to assist this Court in its endeavor to focus on the real issues at controversy.

6. Because of the Holiday Season and how library "cycle" in ordering - returning cases "5 per 5 basis" Petitioner anticipates having to cover § 2254 procedural authorities; Ineffective Assistance of Counsel constituting "cause" in § 2254 and State Rule 61 procedure; Cause and prejudice stds; Miscarriage of Justice gateways based on court procedure and actual innocence of the degree of charged offense; and other legal aspects material to these issues Respondant's raised in Answer.

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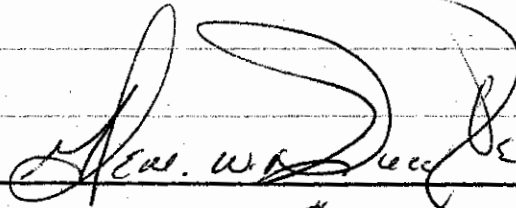
7. External factors also include: Petitioner was just transferred to MHC section of DCC prison and his property including legal materials has "been misplaced" or "lost" by prison property officers; Petitioner is currently without his prior research materials and now must begin a new study from ground zero; Respondants have cited approx. 40 cases in their Answer, the MHC law library "cycle" is normally 5-10 days excluding holidays for each 5 case batch. In addition, Petitioner anticipates extra time to make notations and compare Sheppardized cases to these citations; The 40 cases alone will probably take 80 to 100 days to process and to Sheppardize these cites (the key watershed cases) will be at least that same period, another 80-100 days. Petitioner anticipates at least 180 days to formulate his Reply Memorandum to the point it would be "useful" in pointing up the procedural default exceptions contained in his case.

8. Given the fact that Respondants must still produce court records and Respondants regularly request at least 6 months in these habeas cases for extensions of time, Petitioner believes that an extension of time to May 20, 2008 is reasonable and Respondants will not be prejudiced.

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WHEREFORE, Plaintiff respectfully requests
this Court Grant his request for an extension of time
to May 20, 2008.

Dated: 12/9/07



Glen W. Dulote # 210611

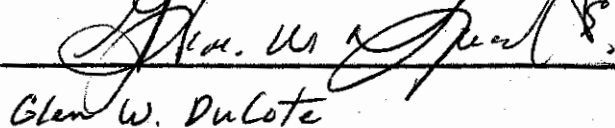
Delaware Correctional Center

1181 Paddock Road

Smyrna, DE 19977

Rule 7.1.1. Certification

I certify that when attempting to use a telephone that can
call 577-8500 to Kevin Carroll's Office, DCC Administrators
promptly denied access so I could not obtain consent from
Respondants



Glen W. Dulote

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

GLEN W. DUCOTE,
Petitioner,

✓

Civ. Act. No. 07-374-GMS

ELIZABETH BURRIS, Acting
Warden and JOSEPH R. BIDEN
III, Attorney General for the
State of Delaware,
Respondents.

ORDER

This _____ day of _____, 200____,

WHEREAS, Petitioner Glen W. DuCote having requested
an extension of time in which to file an answer, and

WHEREAS, it appearing to the Court that the requested
extension is timely made and in good cause has been
shown for the extension.

IT IS HEREBY ORDERED that Petitioner's Traverse
and Reply Memorandum are to be filed on or before
May 20, 2008.

United States District Judge

(Order)

Certificate of Service

I, Glen DuCote, hereby certify that I have served a true and correct copy(ies) of the attached: Plaintiff's Motion for Extension of Time To file his Traverse and Reply Memorandum upon the following parties/person (s):

TO: Kevin M. Carroll, Esquire
Deputy Attorney General
Dept. of Justice
820 N. French St.
Wilmington, DE 19801

TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 9th day of December, 2007

Glen DuCote
Glen DuCote

(Cert. of Service)

1/M Glen DuCote

SBI# 210611 UNIT 22-B

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

LEGAL MAIL



CLERK

DELAWARE DISTRICT COURT -

FEDERAL COURT HOUSE

844 KING ST. Lockbox 19

Wilmington, DE 19801

FILED
CLERK, U.S. DISTRICT COURT
DISTRICT OF DELAWARE
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